

REMARKS

This is responsive to the Final Official Action mailed June 18, 2003 for the present application. Reconsideration of the application, as amended, in view of the remarks made herein is respectfully submitted.

Applicants wish to thank Examiner Purol for the courtesies extended to the undersigned attorney during a telephonic interview on December 15, 2003. This paper serves as a written record of the matters discussed during the interview.

Claims 1-4, and 6 are pending in the present patent application. Claim 5 has been canceled. Applicant amended claims 1-4 and 6. Applicant respectfully requests reconsideration of claims 1-4, and 6 in the present patent application.

1. Claim Amendments and Written Support Thereof

Claim 1-4 and 6 are pending, and have been amended. Claim 5 has been canceled. Written support for the amended claims can be found at Figures 1-3.

2. Examiner's Objection to the Abstract

Examiner has objected to the abstract because of the inclusion of legal phraseology "means" and "said." Applicant has replaced the abstract with another. The new abstract does not recite the words "means" and "said." Thus, Applicant submits that the Examiner's objections to the abstract is overcome.

3. Examiner's Rejection of the Claims 1-6 Under 35 U.S.C. 112, Second Paragraph

The Examiner rejected claims 1-6 under 35 U.S.C. 112, second paragraph as being indefinite. Applicant has amended claims 1-6 to eliminate any perceived ambiguity, lack of antecedent basis and/or other deficiencies cited by Examiner. Specifically, the term “loop means” and “button means” have been replaced with “loops” and “buttons,” respectively. These terms are intended to be positively recited claims elements. Written support for the amendment can be found at p.1, lines 35-38 of the specification, and Figures 1-3. Thus, applicant submits that Examiner’s rejection of claims 1-6 under 35 U.S.C. 112, second paragraph is overcome.

4. Examiner's Rejection of Claims 1-6 under 35 U.S.C. § 102(b)

Examiner has rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent number 5,738,159 issued to O’Brien (“O’Brien”).

Independent claim 1 and claim 6 have been amended such that the engagement of the “loops” and “buttons” is the only means by which the window treatment is removably secured in a raised or lowered position. That is, the claimed window treatment is not raised or lowered by pull strings. The difference between these claims is that claim 6 requires that rows of buttons and loops be “horizontally” positioned along the surface of the window treatment. Claim 1 does not recite the “horizontally” limitation.

As discussed with Examiner Purol, the claims, as amended, are distinguishable over the O’Brien reference in several respects.

- The O’Brien window drapes are elevated and maintained in a desired position by pulling drawstrings. (See e.g., Figures 12 and 14; col. 6, lines 48-51; lines 59-62; and lines 64-67; col. 7, lines 4-10).

In contrast, the claimed window treatment is elevated and then maintained in position by engaging the "loops" and "buttons". This constitutes the only means by which the claimed window treatment is raised and lowered in a desired position. Further, such engagement permits the partial or complete raising of the window treatment without having to remove the window from its fixed position. (See specification, p.1, lines 34-37).

- The O'Brien loop (20) and button (22) are specifically used to facilitate suspension of the drape from a rod or other fixture. Such loops or buttons are not used to elevate and maintain portions of the drape in positions when it is suspended. (See e.g., Figures 4, 10, 18 and 19). As previously mentioned, the O'Brien drapes are drawn by pulling drawstrings. Nowhere does O'Brien disclose the use of engaging buttons (22) and loops (20) as a means to partially or completely raise the drape while it is suspended.

Claims 2-4 depend from claim 1. These claims do not enlarge the original scope of claim 1. Applicant submits that dependent claims 2-4 are patentable over the cited prior art for the same reasons dependent claim 1 is patentable over such prior art.

CONCLUSION

For at least the foregoing reasons, Applicant respectfully submits that pending claims 1-4 and 6 are patentably distinct from the prior art of record and in condition for allowance. Applicant therefore respectfully requests that the pending claims be allowed.

Respectfully submitted,

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ABSTRACT

C2 A window treatment sized to fit substantially over a window opening is disclosed. The window treatment comprises a row of buttons positioned along an upper portion of the window treatment. The window treatment also comprises one or more rows of loops extending horizontally along the surface of the window treatment. Any row of loops can be removably secured to the row of buttons to enable at least a portion of the window treatment to be raised while it is positioned over the window opening. The engagement of the buttons and loops is the only means by which the window treatment is removably secured in a raised position.